

DEPARTMENT OF STATE REVENUE

**LETTER OF FINDINGS NUMBER 93-0181 CSET
Controlled Substance Excise Tax
For Tax Period December 7, 1992**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. **Controlled Substance Excise Tax – Imposition**

Authority: IC 6-7-3-5.

The taxpayer protested the assessment of Controlled Substance Excise Tax.

STATEMENT OF FACTS

The taxpayer was arrested for possession and dealing of an illegal substance. The substance was tested and was in fact a controlled substance, cocaine. The net weight was 27.0 grams. The Indiana Department of Revenue served the taxpayer with the CSET assessment and jeopardy demand notice on December 9, 1992. The tax warrants were issued to the sheriff for collection, no bank levies were issued at that time. Taxpayer filed a protest to the assessment on February 6, 1993. A hearing on the protest was scheduled August 17, 1998. The taxpayer was notified of the hearing at his last known address. The taxpayer did not appear for the hearing.

DISCUSSION

1. **Controlled Substance Excise Tax – Imposition**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the delivery and possession of cocaine in the State of Indiana. Since the Taxpayer did not appear at the hearing or offer any written information in lieu of a hearing, the Department must rely on the contents of the file in making a decision on this matter. Therefore, the tax properly applies to the Taxpayer in this situation.

FINDINGS

The taxpayer's protest is denied.